



Order Filed on March 12, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)
FRANK J. MARTONE, P.C.
1455 BROAD STREET
BLOOMFIELD, NJ 07003
(973) 473-3000
bky@martonelaw.com
ATTORNEYS FOR SECURED
CREDITOR/SERVICING AGENT
PNC BANK, NATIONAL ASSOCIATION
36.7191

In re:

EPITACIO G. CABALFIN

Case No.: 18-27099

Chapter: 13

Hearing Date: January 22, 2019

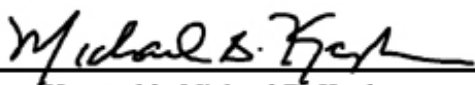
Judge: Hon. Michael B. Kaplan

**CONSENT ORDER RESOLVING MOTION FOR RELIEF FROM STAY AS TO REAL
PROPERTY KNOWN AS 20 DIAMOND HILL ROAD, MARLBORO, NJ 07746
(REAL PROPERTY)**

The relief set forth on the following pages numbered two through three is hereby

ORDERED

DATED: March 12, 2019


Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtor: EPITACIO G. CABALFIN
Case No.: 18-27099
Caption of Order: CONSENT ORDER RESOLVING MOTION FOR RELIEF FROM STAY
AS TO REAL PROPERTY KNOWN AS 20 DIAMOND HILL ROAD,
MARLBORO, NJ 07746

This matter being opened to the Court by FRANK J. MARTONE, P.C., attorneys for the Secured Creditor, PNC BANK, NATIONAL ASSOCIATION, upon the filing of Motion for an Order Vacating Stay with regards to the property located at 20 DIAMOND HILL ROAD, MARLBORO, NJ 07746, in a Chapter 13 case for failure of the Debtor to make payments outside of the plan for a period of at least 45 consecutive days last past and due notice of said Motion and the supporting Certification having been given by mail to the Chapter 13 Standing Trustee, the Debtor and the attorney for the Debtor; the Motion for Relief filed on December 19, 2018 and being denied by Judge Kaplan on condition of making payments without prejudice on January 22, 2019; and for good cause shown, it is

1. ORDERED that the Debtor shall cure arrears due to the Secured Creditor/Servicing Agent in the amount of \$42,040.66.
 - a. Said total consists of post-petition payments for the months of September 1, 2018 through February 1, 2019, in the amount of \$8,408.11 each for a total due of \$50,448.66, minus a suspense balance of \$8,408.00 for a final total of \$42,040.66.
 - b. Attorney fees and costs in the amount of 531.00 for filing the Motion for Relief with the Courts.
 - c. Payment shall be made payable to PNC BANK, NATIONAL ASSOCIATION, and sent to the Secured Creditor at the address listed below:

PNC Bank, National Association
3232 Newmark Drive
Miamisburg, OH 45342

As follows: (a) an immediate payment of **\$42,040.66**; which will be received by the Secured Creditor within seven(7) days of entry of this order in the form of a Cashier's/Bank Check or Attorney Trust Check.

2. ORDERED that commencing March 1, 2019, the Debtor shall remit the regular monthly mortgage payment in the amount of \$8,408.11 in the form of a Cashier's/Bank check or Attorney Trust Check;
 - a. Payment shall be made payable to PNC BANK, NATIONAL ASSOCIATION, and sent directly to Secured Creditor at the address above.

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Debtor: EPITACIO G. CABALFIN

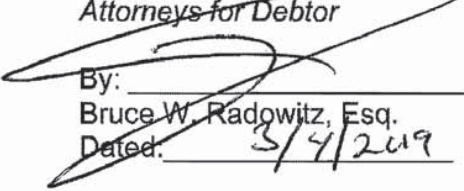
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MARLBORO, NJ 07746

3. ORDERED, the Debtor will include the Proof of Claim arrears in the amount of \$347,659.54 and the Motion for Relief filing fee of \$531.00 in the Chapter 13 Bankruptcy Plan and shall file a modified plan within 15 days of the entry of this consent order
4. ORDERED that if the Debtor should default and fail to make any of the aforesaid payments on the due date or any future payments inside or outside of the plan to the secured creditor, for more than **thirty (30)** days from the due date, then this Court will enter an Order Vacating the Automatic Stay of the Bankruptcy Code with respect to the Secured Creditor's lien, upon Certification by the Secured Creditor's attorney as to the non-receipt of any of the aforementioned payments. Said Order will not require the consent of the Debtor regarding form or substance, but a copy of the Order will be transmitted to the Debtor via ordinary mail and to the Debtor's attorney via e-mail at the time of the transmittal of said Order to the Court for Signature; and it is further
5. ORDERED that the Debtor will modify the current Chapter 13 Plan in accordance with this order within fifteen (15) days of the entry of this order;
6. ORDERED that the 14-day stay under Rule 4001(a)(3) is hereby waived by Debtor.
7. ORDERED that the movant shall serve a filed copy of this Order on the Debtor via regular mail. The Debtor's attorney and Chapter 13 Trustee will be served electronically via the U.S. Bankruptcy Court's CM/ECF system.

*The undersigned hereby consent to the
form and entry of the within Order:*

Law Office of Bruce W. Radowitz
Attorneys for Debtor

By: 
Bruce W. Radowitz, Esq.
Dated: 3/4/2019

Frank J. Martone, P.C.
Attorneys for Secured Creditor

By: 
Christian Del Toro, Esq.
Dated: 3-4-2019

Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
Epitacio G. Cabalfin
Debtor

Case No. 18-27099-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Mar 12, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 14, 2019.

db +Epitacio G. Cabalfin, 20 Diamond Hill Road, Marlboro, NJ 07746-2164

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 14, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 12, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Bruce W. Radowitz on behalf of Debtor Epitacio G. Cabalfin torreso78@gmail.com,
r45676@notify.bestcase.com
Christian Del Toro on behalf of Creditor PNC BANK, N.A. cdeltoro@martonelaw.com,
bky@martonelaw.com
Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Frank J Martone on behalf of Creditor PNC BANK, N.A. bky@martonelaw.com
Rebecca Ann Solarz on behalf of Creditor Toyota Motor Credit Corporation
rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7